RECORD
AND
BRIEFS

(3)

Supreme Court, U.S.
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No. 10-1226

In the
Supreme Court of the United States

JOSE ANTONIO RODRIGUEZ,
Petitioner,

v.

FEDEX FREIGHT EAST, INCORPORATED,
Respondent.

On Petition for Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit

PETITIONER'S REPLY BRIEF

D. RICK MARTIN
Counsel of Record
GLOTTA & ASSOCIATES
220 Bagley, Suite 808
Detroit, MI 48226
313-963-1320
drickmartin@glottaassociates.com

Counsel for Petitioner

May 31, 2011

Becker Gallagher · Cincinnati, OH · Washington, D.C. · 800 890 5001

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REPLY BRIEF FOR PETITIONER

I. INTRODUCTION

The question this Court has to address is the fact that the rapid advancement of technology is overwhelming the procedural and constitutional protections of a fair trial. This case offers the ideal vehicle to address the procedural steps to be taken to ensure a fair trial in the age of ***Cyberspace***.

The following errors were committed by the district court and affirmed by the Sixth Circuit:

(1) There was no instruction specifically prohibiting the use of the Internet although jointly requested by the parties[1];

2) There was no hearing to determine whether Juror #4's use of the Internet tainted the decision making process.

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[1] The district judge held that no instruction relative to the Internet was given. (Pet. Brf. p. 14) The judge also gave no explanation for his omission of such an important instruction as mandated by Rule 51(b). (Id.) Contrary to Respondent's argument, (BIO-8) no objection was required to preserve Petitioner's Rule 51 issue for appeal because **both** parties timely requested a specific instruction *prohibiting the use of the Internet* for any purposes regarding the case. (R. 35, Parties Proposed Joint Jury Instructions, No. 13, p. 18) See *Pooshs v. Fluoroware*, 83 F.3d 428, 430 (9th Cir. 1996)

Every jury trial requires explicit and clear instructions that specifically prohibit the use of the Internet for any purposes regarding the case[2].

> [T]he alteration and modernization of jury instructions is the most crucial change that ***must take place to curb this kind of misconduct, and should be immediately implemented in every court room.*** Updating jury instructions further puts each juror on notice that every time he or she tweets about a case, posts blog on Facebook or MySpace, or researches the parties on the Internet, he or she is also engaging in misconduct that may subject that juror to discipline. (Amanda McGee, "Juror Misconduct in the Twenty First Century, 30 Loy. L.A. Ent. Rev. 301, 324, Pet. Brf. p. viii) (emphasis added)

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[2] In a paper entitled "Jurors in the Digital Age," Thaddeus Hoffmeister, a law professor and legal commentator who closely studies jury issues suggests: "One way to increase the likelihood of adherence is to use language easily understood by laypersons. This includes avoiding overly technical terms and offering descriptions of improper conduct. One U.S. Magistrate Judge provides jurors with examples of seemingly innocent online communications that can jeopardize a trial. This is important because some jurors are unclear on what actions violate court rules. **For example, some jurors don't consider looking up the name of a party on Google as gathering evidence about a case. To them, gathering evidence means going to the library or the actual crime scene, not performing a name or image search on Google...[I]n addition to being told 'what' they can't do, jurors need to know 'why' they can't do it.**" "Jurors in the Digital Age by Thaddeus Hoffmeister, http://work.press.com/thaddeus_hoffmeister/7(emphasis added)

Delay in addressing this issue will further undermine current constitutional protections. This is an ideal vehicle to resolve both questions presented.

Respondent's Brief in Opposition ("BIO") underscores why review is necessary in this case. Respondent minimizes the significance of the Sixth Circuit's failure to address the serious and imminent threat the Internet poses to the jury trial system. ***A threat that the First, Third, Eighth, Ninth and Eleventh circuits recognized and vigilantly addressed by updating and modernizing their pattern jury instructions to include specific prohibitions against jurors' use of the Internet.***

The Sixth Circuit, however, refused to provide similar constitutional safeguards and procedural protections for its litigants, despite emphatic urgings and recommendations to do so from the United States Judicial Conference Committee on Court Administration and Case Management ("CACM"). (Pet. Brf. p. 37)

It is essential that this Court grant review now, before the technology makes matters worse. Review is necessary for this Court to provide concrete guidance, constitutional standards, and procedural protections to address this new and intractable phenomenon.

This Court can (1) require ***all*** judges to give instructions that specifically prohibit jurors from using the Internet for any purposes regarding the case; and (2) make an investigatory hearing **mandatory** any time a juror use the Internet for case-related purposes, particularly where, *as in this case*, the allegation of

juror misconduct is supported by sworn affidavits from fellow jurors.

II. ARGUMENT

A. THE ABSENCE OF CLEAR STANDARDS AND PROCEDURAL PROTECTIONS TO ADDRESS THE THREAT THE INTERNET POSES TO THE SIXTH AND FIFTH AMENDMENTS GUARANTEE OF A FAIR TRIAL BY IMPARTIAL JURORS WARRANTS REVIEW BY THIS COURT

Respondent offers no substantive defense of the Sixth Circuit's decision affirming the district court's refusal to specifically instruct the jurors not to use the Internet. **An instruction both parties agreed upon and requested**. (R. 35, No. 13, p. 18) Respondent asserts that "Even though Petitioner's proposed jury instruction was not read, the instruction given by the district court adequately addressed his concerns regarding internet research, as it encompassed all research regarding the case." BIO-11. The instruction never mentions the word *Internet*. That by itself establishes the invalidity of the instruction.

Respondent's argument is at best, disingenuous since the ***"jointly"*** proposed instruction that specifically prohibited jurors from using the Internet for any purposes regarding the case, **was drafted, prepared and filed with the district court by Respondent**. (Docket No. 2:8-CV-10637, R. 35, No. 13, p.18) Obviously, Respondent believed that an instruction that did not specifically prohibit the use of the "Internet" could not "adequately" address the threat the Internet poses to the right of a fair trial.

Prohibiting Internet use will protect all parties' right to a fair trial.[3] In that sense, the question presented is *policy neutral*.

During a recent visit to the University of Florida Levin College of Law, Supreme Court Justice THOMAS was asked whether he believed the Court has kept pace with rapidly shifting technological changes. According to Justice THOMAS, technological change *within* the Court was less important than that occurring on the *outside*:

> [It's] changed the way we work, but it's also changed some of the issues...***I think you all are in for some interesting times because there used to be these zones of privacy*** . . . . Things were over here in the private sphere and then the public sphere was over here. Now look how [they've] merged. ***You put something on your Facebook, [and] it's there on somebody's hard drive forever***... We also see it with respect to how the government can obtain information in the criminal justice context. ***[The government doesn't] actually have to come onto property now, to look into your private affairs*** ... I think you all are in for the ***brave new world of technology in***

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[3] Respondent conspicuously fails to *directly* address Petitioner's argument that the district court (1) did not explain his reason for not giving the parties jointly requested Internet instruction; and (2) did not give the parties an opportunity to object *on the record* as mandated by Rule 51(b)(1)(2).

> ***a way that we, of course, couldn't have anticipated.***[4] (emphasis added)

The *"brave new world of technology"* referenced by Justice THOMAS has not only transformed the way in which the *government* can obtain information. It has also changed the way *jurors* can obtain information before and during a trial. ***Androids, Apple-iPhones, Smartphones, and Blackberrys,*** and other mobile devices allow jurors to access potentially prejudicial information about the litigants, witnesses and the attorneys—***without having to leave the jury box.*** For instance, if a juror wants information about prior law suits filed against a corporate defendant (deemed inadmissible) the juror can simply—***"Google it"***. Even worse, information obtained by a juror about a criminal defendant or witnesses on **Facebook or Twitter** can result in the unjust conviction, imprisonment or even the execution of an *innocent* human being.

The ramifications of the Sixth Circuit's decision to affirm the district judge's refusal to give the parties' ***jointly requested*** instruction that specifically prohibited jurors from using the Internet for any purposes regarding the case, reach well beyond Petitioner. It affects *every* litigant, in *every* federal district court in Michigan, Ohio, Kentucky and Tennessee.

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[4] Clarence Thomas, Associate Justice, U.S. Supreme Court, Address at the University of Florida Levin College of Law Marshall Criser Distinguished Lecture Series (Feb. 4, 2010).

As noted by legal expert and commentator Jeffrey T. Frederick:

> The increasingly prominent role the Internet plays in American **society*...poses a potential threat to the integrity of jury trials from the influence of outside information, both before and during trials.***
>
> As the Internet has gained widespread acceptance as a source for news and information, it has become a serious contender for concern regarding juror exposure to case-related information and opinions. ***Information relating to a case, either directly or indirectly, can reach jurors via a variety of Internet avenues: computers, cell phones, personal digital assistants, and the like.*** The Internet giant Google has turned searching for information and content into a multibillion dollar business, ***even gaining entry into our culture- and dictionaries- as the verb for Internet searching itself, i.e., "to Google."***..[j]**urors regularly turn to the Internet for answers**. (Pet. Brf. p. viii) (emphasis added)

In order to vastly reduce the rapidly rising number of "Google mistrials" and jurors' use of the Internet to undermine the integrity of the verdict—the Court must step in. Only this Court has the capability to effectively and immediately address the profound challenges presented by the *brave new world of technology* that is plaguing and infuriating trial judges and upending verdicts across the nation.

The failure to address the rapid changes in the dynamics of communication and transmission of information could *soon* result in ***"virtual"*** trials—that is, trials where the verdict will be based but upon "information" accessed by jurors in ***Cyberspace***—rather than upon the ***"evidence"*** presented to them in the ***Courtroom***, after being tested for truthfulness and accuracy by rigors cross-examination—and over ***three hundred years*** of jurisprudence.

The question presented in this petition provides the Court with the perfect vehicle to reexamine the core concepts of Sixth and Fifth Amendments and the Internet's implication on the right to a fair trial by *impartial* jurors. A right, that's being seriously threatened and undermined, in a way that our jury trial system in the words of Justice THOMAS—*"couldn't have anticipated"*.

B. THE SIXTH CIRCUIT'S DECISION TO UPHOLD—ABSENT ANY ANALYSIS—THE DISTRICT COURT'S REFUSAL TO CONDUCT A HEARING WHERE JUROR #4 OBTAINED EXTRANEOUS PREJUDICIAL INFORMATION ABOUT THE CASE, INCLUDING THE PRIOR SIXTH CIRCUIT'S DECISION, WARRANTS REVIEW OR, IN THE ALTERNATIVE, SUMMARY REVERSAL

Respondent does *not* seriously dispute that Juror #4 admitted to fellow jurors (during deliberations) that he ***read and learned all about the attorneys in the case on the Internet.*** (Pet. Brf. pp. 15-17.) Rather, Respondent asserts that this Court should deny review because "[A]t closing, Petitioner's counsel stated he was a former UAW member" and that Respondent's

counsel made "one comment about her background[5]." BIO -5. Thus, Respondent argues, Juror #4's alleged misconduct was "harmless". BIO- 17. The argument is specious, at best.

The record establishes that the Internet provided Juror #4 with an *abundance* of potentially ***prejudicial information about Petitioner's counsel*** that was **not** disclosed to the jurors during the trial. For instance, the Internet informed Juror #4 that Petitioner's counsel was not merely a former "member" of the UAW, but a union activist who became a UAW plant *president*, a strong proponent of affirmative action for minorities and women, a civil rights activist, a personal injury attorney and a criminal defense

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[5] The "one comment" Respondent conspicuously failed to reveal to the Court was that Respondent's counsel told the jury that she was a "former EEOC attorney". Using the *imprimatur* of that position to vouch for Respondent's actions Respondent's Counsel forcefully argued: **"I use to be a civil rights attorney at the EECO, and I can tell you representing people like Mr. Rodriguez, if there is any injustice here, it has been to FedEx and not Mr. Rodriguez."** (R. 68, Trial Trans. Vol. 5A, p. 57). Respondent's assertion that Petitioner did not object to Respondent's counsel's highly prejudicial comments, is correct. Instead, Petitioner's counsel chose to respond by arguing that Respondent's counsel is no longer a EEOC attorney and that her job *now* is to defend her clients—even where they have violated laws she once had a duty to enforce. Unfortunately, the transcript of the closing argument is rife with so many errors that much of Petitioner's counsel's argument was rendered unintelligible. The court reporter explained that the "crash" of his computer required him to prepare the transcript from his "notes". (R. 71, Rodriguez's motion to amend/ correct or modify the record, Ex. 2, Affidavit as to Martin)

lawyer.[6] (R. 65, Affidavit as to D. Rick Martin, Exs. 3 and 7)

In contrast, Juror #4's Internet research on Respondent's counsel revealed that she worked for a law firm that not only represented and defended major companies like FedEx, but also represents and defends individual health care professionals like *himself*, a pharmacist, Juror #1, a medical student, and Juror #8, a nurse. (Id. Ex. 5)

Respondent's assertion that Petitioner presented no evidence that Juror #4 reviewed anything substantive about the case, BIO-6, or reviewed the underlying opinion from Petitioner's first appeal, is incorrect.

The record establishes that when ***Juror #4 Googled "Laura Brodeur" and "D. Rick Martin"*** he obtained the underlying Sixth Circuit's decision in the case. (R. 65, Ex 6, R. 70, Ex. 10) The opinion provided Juror #4 with *substantive* facts about the *case* that were never disclosed during the trial. Even more prejudicial, Juror #4 learned that the district judge presiding over the trial—***is the same judge that believed Petitioner was not discriminated against because of his Hispanic accent and, therefore dismissed all of Petitioner's claims***. See *Rodriguez v. FedEx*, 487 F.3d 1001 (6th Cir 2007)

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[6] A hearing was required to provide Petitioner (and the district judge) with the opportunity to determine whether Juror #4 held strong beliefs about unions, affirmative action programs, personal injury lawsuits and criminal defense attorneys defending the "guilty" that simply made it *impossible* for him to be an **impartial** juror.

This Court's precedent is clear. Where a juror is alleged to have obtained extraneous information about the case, a hearing is required. The purpose of the hearing is to determine the precise scope and breath of the extra-judicial information obtained, how it was used, and to provide the moving party with an opportunity to prove the denial of a fair trial. *Mattox v. United States*, 146 U.S. 140 (1892); *Smith v. Phillips*, 455 U.S. 209 (1982) ("This Court has long held that the remedy for allegations of juror partiality is a hearing ..."); *Wellons v. Hall*, 558 U.S. ___ (2010) (Court stated that had there been discovery or an evidentiary hearing the petitioner may have been able to present more than "speculation" and "surmise" to support his juror misconduct claim)

The principles pronounced by this Court in *Smith*, *Mattox* and *Wellons*, required the district court to grant Petitioner's timely request for an evidentiary hearing. However, the district court apparently refused to follow this Court's precedent. In so doing, the court deprived Petitioner of his right to due process. The Sixth Circuit affirmed the district court's error.[7]

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[7] In so doing, the Sixth Circuit violated its own well established precedents, including *Nevers v. Killinger*, 169 F.3d 352 (6th Cir. 1999). There, the Sixth Circuit reversed defendant's conviction (upheld by the Michigan Supreme Court) because defendant was not given the opportunity to support his juror misconduct claim at an evidentiary hearing. In addition, in **all** of the cases cited by Respondent that alleged the verdict was tainted by extraneous information, ***an evidentiary hearing*** was held to determine whether the ***extraneous information*** tainted the verdict. In *United States v. Wheaton* 517 F.3d 350 (6th Cir. 2008) a case Respondent characterizes as "instructive", the district court, unlike here, promptly undertook a thorough investigation of the

That is precisely why this Court must state empathetically that, specific procedural protections against jurors' use of the ***Internet*** must be given by the courts, and must be vigilantly followed and enforced in every case. No exceptions.

C. BECAUSE JUROR #4'S ADMISSION TO OBTAINING EXTRANEOUS INFORMATION ABOUT THE ATTORNEYS IN THE CASE DISQUALIFIED HIM TO SIT AS A JUROR, THE VERDICT WAS INVALID AND SHOULD BE SUMMARILY REVERSED

The law is well established. Jurors that obtain ***extraneous information*** about the case they are deciding are no longer competent to serve as juror. *Aluminum Co. of Am. v. Loveday*, 273 F.2d 499 (6th Cir. 1959) (court held that a juror who obtained extraneous information "**disqualified himself**" to sit as a juror—even if he did not share the information with other jurors)

Here, Respondent concedes that the instruction given by the district court prohibiting research "encompassed *all* research regarding the case". BIO pp. 3, 11. Therefore, when Juror #4 used the Internet to conduct "*research*" and "read all about the attorneys in the case", he *disqualified* himself to sit as a juror. Without Juror #4's vote, **Respondent lacked the *seven* out of eight votes required for a valid verdict**. Thus, contrary to Respondent's assertions,

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alleged misconduct by ***questioning in chambers*** the juror in question with both counsels present, and also questioned all of the jurors in open court.

Juror #4's alleged misconduct *did* affect the outcome of the case.

CONCLUSION

For the reasons stated in the Petition and in the Reply, the Court should grant the petition for writ of certiorari, or, in the alternative, summarily reverse the judgment below.

Respectfully submitted,

D. Rick Martin
Counsel of Record
220 Bagley, Suite 808
Detroit, MI 48226
313-963-1320
drickmartin@glottaassociates.com

Counsel for Petitioner

APPENDIX

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APPENDIX A

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Civil Case No. 08-cv-10637
Hon. George Caram Steeh

Bankruptcy Court Case No. 04-47510-PJS
Chapter 7
Hon. Phillip J. Shefferly

Adv. Proc. No. 05-5149-PJS

[Filed December 1, 2008]

In Re:	)
	)
Jose Antonio Rodriguez,	)
	)
Debtor.	)
	)
Jose Rodriguez,	)
	)
Plaintiff,	)
	)
v.	)
	)
FedEx Freight East, Inc.,	)
	)
Defendant.	)
	)

D. Rick Martin (P42484)
RONALD D. GLOTTA (14061).
Attorneys for Plaintiff
220 Bagley Street, Suite 808
Detroit, MI 48226
(313) 963-1320

William D. Sargent (P38143)
Laura A. Brodeur-McGeorge (P44552)
Matthew S. Disbrow (P65378)
HONIGMAN MILLER SCHWARTZ AND COHN LLP
Attorneys for Defendant
660 Woodward Avenue, Suite 2290
Detroit, MI 48226
(313) 465-7000

ERRATA SHEET TO AFFIDAVIT OF D. RICK MARTIN

D. RICK MARTIN, being first duly sworn, deposes and says: I, D. RICK MARTIN, hereby am competent to testify on personal knowledge to the following facts and upon being sworn as a witness can competently testify to the facts stated in the Affidavit and shall testify as follows:

1. I was lead counsel for Plaintiff in the trial of Rodriguez vs. FedEx, case no. 08-cv-10637. The trial began on June 23, 2008 and ended on June 27, 2008.

2. After the foreperson, Juror #5, read the verdict in favor of FedEx, I informed the court that I wanted the jurors to be polled.

3. When Juror #2 was asked if that was and is her verdict, she responded "No".

4. The "Parties Proposed Joint Jury Instructions" were prepared by FedEx's counsels, Laura Brodeur and Matthew Disbrow. They were also filed with the court. (Doc/Ent. #35, page 18) Included in the jointly proposed instructions was instruction no. 13, which stated:

Jury Instruction No. 13

Jurors Not to Consider Information Received Outside Presence of Court

The only information that you will receive about this case should come to you in this courtroom. You must not consider any information which may come to you outside this courtroom.

You must not make any investigations on your own or conduct any experiments of any kind. This includes using the Internet for any purpose regarding this case.

If you discover a juror has violated my instructions, you should report it to me. (Ex. 7)

5. I agreed with that instruction, particularly because I knew that the 6th Circuit Court of Appeals' Opinion in this case, Rodriguez v. FedEx, 487 F3d 1001 (6th Cir 2007) was on the Internet. It could be obtained by simply

Googling the name "Laura Brodeur" or "D. Rick Martin and Rodriguez". (Ex. 8).

6. I also knew that if a juror read the Opinion, that juror would have improperly received information outside the presence of the court about the case; including facts that would not be admitted into evidence at trial. Recognizing that a juror's use of the "Internet" could easily prejudice either party's right to a fair and impartial trial, the parties jointly requested that the court explicitly prohibit such use.

7. The court accepted the parties' joint proposed jury instruction no. 13, and specifically told the jurors that they were not use the "Internet" for any purpose regarding the case.

8. On July 15, 2008 the court reporter, Mr. DiBartolomeo was given a check for $1,000.00. As a result, he promised that the ordered transcripts would be provided within 30 days. (Ex. 9) After 30 days had elapsed and the transcripts had not been produced, I began to call him. (Id.). Mr. DiBartolomeo eventually left a voicemail message apologizing for the delay. He stated that he had a personal emergency to attend to. He also stated that he was delayed because his computer had crashed and that he had to use his notes. As a result, the transcripts ordered on July 15, 2008 were not provided until September 10, 2008, some 57 days later.

9. The crash of the computer may explain why the record is replete with misstatements, omissions and grammatical errors.

10. The most crucial and material errors are (1) the false recording of Juror #2's vote in favor of FedEx, and (2) the omission of the court's instruction to the jury not to use the "Internet".

11. The misstatements, omissions and grammatical errors found in the transcript of the Closing Argument, are so numerous that much of the record is completely unintelligible. In addition, during my closing argument, I was interrupted by Juror #5 because of loud comments and laughter by both opposing counsel. The Judge had to instruct them to terminate their disruptive conduct. That interruption and instruction however, is completely missing from the record.

FURTHER AFFIANT SAITH NOT.

/s/ D. Rick Martin
D. Rick Martin

MONICA CHOICE /s/Monica Choice 1/1/08
Notary Public, State of Michigan
County of Wayne
My Commission Expires Aug. 23, 2012
Acting in the County of Wayne

APPENDIX B

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Civil Case No. 08-cv-10637
Hon. George Caram Steeh

Bankruptcy Court Case No. 04-47510-PJS
Chapter 7
Hon. Phillip J. Shefferly

Adv. Proc. No. 05-5149-PJS

[Filed September 19, 2008]

In Re:	)
	)
Jose Antonio Rodriguez,	)
	)
Debtor.	)
	)
Jose Rodriguez,	)
	)
Plaintiff,	)
	)
v.	)
	)
FedEx Freight East, Inc.,	)
	)
Defendant.	)
	)

D. Rick Martin (P42484)
RONALD D. GLOTTA (14061).
Attorneys for Plaintiff
220 Bagley Street, Suite 808
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(313) 963-1320

William D. Sargent (P38143)
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D. RICK MARTIN, being first duly sworn, deposes and says: I, D. RICK MARTIN, hereby am competent to testify on personal knowledge to the following facts and upon being sworn as a witness can competently testify to the facts stated in the Affidavit and shall testify as follows:

1. I write this affidavit to clarify and answer assumptions raised in the Court's Order denying Plaintiff's motion.

2. Following the polling of the jurors, the court informed the jury that he wanted to meet with them briefly.

3. It is a common practice of lawyers in Michigan to meet, greet, and speak with jurors after the trial has ended.

4. I was on the first floor, in the lobby area for the elevators and less than 10 feet from the court security station entrance and exit station when all eight jurors exited the elevator. They surrounded me and I thanked them for their services. In fact, I expected opposing counsels would also be waiting to thank the jurors for their service and also for giving them a favorable verdict. However, I was not alone; several court security officers were present at their post just a few feet away. There were also other court personnel in the lobby area of the elevators.

5. Attached as Exhibit 5 is a copy of the information contained on the Internet about my background and areas of practice.

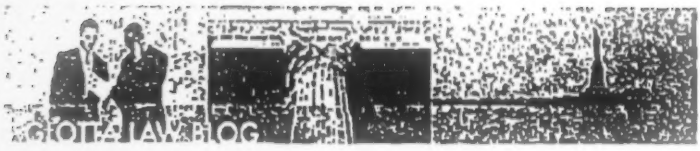
6. If it had come to my attention during trial that Juror #4 went on the Internet and read all about the attorneys as he stated to me, Juror #2 and Juror #5, I would have immediately informed the court and requested an evidentiary hearing and that Juror #4 be disqualified and for a mistrial.

FURTHER AFFIANT SAITH NOT.

/s/ D. Rick Martin
D. Rick Martin

MONICA CHOICE /s/Monica Choice 1/1/08
Notary Public, State of Michigan
County of Wayne
My Commission Expires Aug. 23, 2012
Acting in the County of Wayne

Ex. 5



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- Attorneys
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* * *

ATTORNEYS

- **Glotta, Ronald D.**
- **Martin, Dewey R**

Attorney D. Rick Martin has devoted his life to fighting for civil rights of minorities and women and the economic rights of workers and retirees.

In 1970, at the age of 18, Martin began working in the Coke Ovens and Blast Furnace plant at the historic and mammoth Ford Rouge Complex in Dearborn, MI. Martin won his first union office at age 20 when he was elected District Committeeman. In 1974, Martin won election to the higher office of plant Bargaining Committeeman. The next year, at age 23, Martin became the youngest Black to ever be elected president of a major UAW plaint in the Union's history. That record still stands 30 years later. Martin went on to win re-election to the presidency in 1978 and 1981. After completing his third consecutive term as

president in 1984, Martin accepted, then UAW Local 600 president, Bob King's offer to join his staff. King is now Vice President of the UAW International Union's Ford department.

In addition to being elected to 3 consecutive 3 year terms as a UAW plant president, Martin was also elected delegate to 4 consecutive UAW Constitutional Conventions. They were held in 1974, 1977, 1980, and 1983. The delegates elect the President of the UAW and determine the UAW policy positions on social and economic issues facing the country.

Although Martin was only 22 years old when he attended his first convention in 1974, Martin stood up and spoke to over 5,000 delegates and guests. Martin passionately urged the delegates to support the union's civil rights resolution for Black Americans. Integration, Martin argued is the key to racial equality and economic justice for all races. At every convention Martin attended, he spoke out for the rights of workers and the retirees who built the union.

In 1979, Martin won the first and only 25 and out retirement plan for Coke Oven workers in the country. The Michigan Chronicle, in March 1976, covered the first of numerous conventions speeches Martin made on behalf of his Coke Oven workers who were subjected to inhumane working conditions. I acknowledge that for any collective struggle, there is no individual claim of credit, nor should there be. For me, however, it is one of the most satisfying part of my history. I continue to receive calls from workers who had to retire early, thanking me for the help.

Martin's historic union achievements were recognized by both the local and national media. For example, The Monthly Detroit Magazine selected Martin as one of the 80 Detroiters To Watch in the 80's. (Among the 80 Detroiters were former mayor Dennis W. Archer and the late UAW International Union President, Steven P. Yobich); the New Yorker Magazine (April 1981; Internationally renowned author and journalist Richard Reeves wrote about Martin as a young Black labor leader in his book American Journey(1981); The Detroit Free Press (October 1981); and Wayne State University South End newspaper (February 1984).

Martin also appeared as a guest on such TV shows as For My People (March 1984 and Detroit Black Journal.

In 1985, Martin became one of only 16 African American's to fill 365 seats at the University of Michigan Law School. Martin realized that, but for the civil rights movement, the doors to this elite school would have remained closed to Blacks and women. Based upon this realization, he became committed to use the legal education to wage legal battles as an attorney, that were designed to not only keep the doors open but to widen the doors of opportunities for minorities and women. With the same commitment for justice Martin has dedicated his law practice to eradicate discriminatory employment practices and to fight for the rights of those who have suffered injuries due to the negligence of others.

In 1992, Martin won the highest jury verdict in a slip and fall case in Michigan. The jury awarded martin's client, a black female who was a single parent of two young children, $5,000.00 for disabling injuries to her back after slipping on ice. In 1998, Martin won $1.25

million for the family of a young women killed while a passenger in a vehicle struck by a city bus.

In 2001, Martin, as reported by the Michigan's Citizen Newspaper, filed the largest race discrimination employment class action in Michigan and probably the nation. According to a joint press release, a Consent Decree was entered in 2005, requiring the defendant Henry Ford Health System to spend $2.1 million in payouts and educational programs for the advancement of its Black employees. The Consent Decree benefited over 3,000 present and former Black workers and generated both local and national media coverage. This included the Michigan Citizen's Newspaper, Detroit News and Free Press, Channel 2, 4 and 7 new stations, CNN news and all of the major Black newspapers in the country.

Areas of Practice

- **employment rights & discrimination**
- **personal injury**
- **criminal defense**

Bar Admissions

- **Michigan, 1989**
- **U.S. Court of Appeals 6th Circuit**
- **U.S. District Court Eastern District of Michigan**

- **Robinson, Sarah**
- **Shearer, Sean**
- **Martin, D. Rick**
  dskutt@ix.netcom.com

Home : Attorneys : Standard Contact Form

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For the past 35 years, clients ranging from individual health care practitioners to regional health care systems have relied on us to help them achieve their business objectives while fulfilling their health care delivery mission. Our clients benefit from our extensive knowledge of the health care field and our vast experience with the legal and regulatory context in which health care is delivered. They look to us with confidence in our ability to address the complex and challenging issues confronting them in connection with a full range of regulatory, corporate, transactional, litigation and financial matters. We believe that these qualifications make us the law firm of choice for clients in need of creative, prompt and effective solutions to legal, regulatory, organizational and business challenges.

Our Attorneys

- Zoning, Land Use and Condemnation
- Affordable Housing
- Finance

Our attorneys are distinguished professionals who have many years of experience as practitioners, lecturers and authors in the field of health care law. We have a wide range of experience which we bring to bear in meeting our clients' needs, including experience as in-house counsel for providers and payors. A number of our attorneys have earned advanced degrees in public health and health services administration. As part of a full-service law firm, we also draw upon the skill and experience of our colleagues in a variety of other practice areas to serve the needs of our clients. In this way, our health care clients benefit from the expertise of Honigman's health care attorneys as well as Honigman attorneys practicing in specialties such as antitrust, corporate, construction and real estate, environmental, employee benefits, insurance, intellectual property, litigation, labor, securities, tax and real estate tax appeals, and bankruptcy law.

Our Clients

We serve organizations and individuals across the nation who provide, arrange or pay for health

care services. Our hospital and health system clients include multi-state, multi-hospital systems, academic medical centers, specialty hospitals, long-term care hospitals, and community, critical access and rural hospitals. Our physician clients range from solo practitioners and small group practices to multi-specialty groups and university-affiliated faculty practice plans. We also represent managed care plans, other providers and suppliers, including, independent diagnostic testing facilities (IDTFs), ambulatory surgery centers and imaging centers. Our clients also include home health agencies, assisted living facilities, long-term care facilities, clinical laboratories, durable medical equipment companies, hospices, health maintenance organizations and other payors.

Honigman Health Care Attorneys

Rachael Andersen-Watts
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Matthew R. Keuten
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Kenneth R. Marcus
Linda S. Ross

Sarah Slosberg Tayler

http://honigmanwe.staged.hubbardone.com/services/xprServiceDetailHon.aspx?xpST=Servi...

7/5/2008

APPENDIX C

Google Searches
(R. 70, Ex. 8, excerpts)

[*Fold-Out Exhibit, see next 2 pages*]

41 - 50 of 491,000 for **laura brodeur** (About) - 0.16 s | SearchScan[BETA] On

[PDF] 2006
180k - Adobe PDF - View as html
Kane, **Laura** & Ron. Kanner, Diane. Kao, Lily. Karen Scott Cosmetics ... **Laura Brodeur**. Robyn M. Browning. The Capital Group Companies, Inc. - Karen. Krygowski ...
www.jlla.org/ama/orig/JLLA-AnRep-07-R5-1-.pdf

Mark Foster - Edmonton, AB | Facebook
Mark Foster (Edmonton, AB) is on Facebook. Facebook gives ... **Laura Brodeur**. Jamie Gillis. Julie Ogilvie Daley. Harlyn Wotton. Aaron Toole. Jason Johnson ...
www.**facebook.com**/people/Mark_Foster/673636677 - Cached

Laura A **Brodeur** - Detroit, Michigan (MI) | Company Information
Laura A **Brodeur** - Detroit, Michigan (MI) company profile information. Find

contact info, company address, company history, qualify leads, & premium business reports
www.**manta.com**/coms2/dnbcompany_lj91h - 66k

2007/12 " Nova Scotia Bikers Information
BRODEUR, Joseph Serge ... Que., he was a son of Richard and Yolande **Brodeur**, Quebec. ... Ellen Marsh; daughter, **Laura Brodeur** (Jeff Hebb), Berwick; sons, ...
novascotiabikers.blog.com/2007/12 - Cached

[PDF] UNITED STATES COURT OF APPEALS
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ARGUED: **Laura** A. **Brodeur**, HONIGMAN, MILLER, SCHWARTZ & COHN, Detroit, Michigan, Carlos ... **Laura** A. **Brodeur**, William D. Sargent, Cameron J. Evans, HONIGMAN, ...
www.**ca6.uscourts.gov**/opinions.pdf/04a0436p-06.pdf

Greatamerican.com - Great American Group Information & Details
Great American Group @ greatamerican.com Information & Details, Profile page of the Great American Group with Information ... of **laura brodeur** as managing ...
1888pressrelease.com/great-american-group-company-profile_14657.html - Cached

Honigman Miller Schwartz and Cohn LLP | News & Publications | Honigman ...
Please select the link below each name to view each new ...
http://www.honigman.com/attorneys/bio.asp?ID=B243892849. **Laura** A. **Brodeur**. Labor, Detroit Office ...

OHLALA Mag: **Ricky Martin**
Alex **Rodriguez**. Alexander Koch. All American Guys. Anaya ... Peter **D** Brown. Photographers. Planet People. Premiere Model Management. Prince Harry & William ...
www.**ohlalamag.com**/en/**ricky_martin** - 97k - Cached

Ricky Martin Celebrity Gossip, News, Rumors and Hollywood Scandals
Madonna and Alex **Rodriguez** Heading To Malawi. Jennifer Aniston Is Not Pregnant ... Kat Von **D**. Kate Beckinsale. Kate Bosworth. Kate Hudson. Kate Middleton. Kate ...
www.**hollywoodbackwash.com**/category/**ricky-martin** - 161k - Cached

[PDF] UNITED STATES COURT OF APPEALS
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ON BRIEF: **D. Rick Martin,** Detroit, Michigan, for Appellant. ... In February 2001, FedEx acquired American, and both **Rodriguez and** Adkinson ...
www.**ca6.uscourts.gov**/opinions.pdf/07a0246p-06.pdf

Collection of Articles - **Ricky** Rodruguez

... Borowik, a spokeswoman for the Family International's office in Washington, D.C. ... **Martin** watched the tape in horror to see the usually well-mannered **Rodriguez** ...
www.exfamily.org/art/ext/ricky_rodriguez_news_articles.shtml - 54k - Cached

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